

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FREDDY LUNA, RAFAEL CASTRO and FIDEL  
SANCHEZ,

Plaintiffs,

-against-

GON WAY CONSTRUCTION, INC., SWEENEY T. LEE :  
a/k/a JONATHAN LEE and WENDELL LEE, :

Defendants. X  
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16-CV-1411 (ARR) (VMS)

NOT FOR ELECTRONIC  
OR PRINT PUBLICATION

ORDER

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated February 14, 2017, from the Honorable Vera M. Scanlon, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-CV-1930682 (CBA) (LB), 2011 WL 1930682, at \*1 (E.D.N.Y. May 19, 2011). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1). Therefore, I grant plaintiffs' motion for a default judgment and award damages in the following amounts:

- Freddy Luna is awarded \$97,789.00, plus prejudgment interest in the amount of \$13,059.74, plus an additional \$10.82 per day from February 14, 2017, until judgment is entered;

- Rafael Castro is awarded \$54,525.00, plus prejudgment interest in the amount of \$6,626.43, plus an additional \$5.49 per day from February 14, 2017, until judgment is entered; and
- Fidel Sanchez is awarded \$86,160.00, plus prejudgment interest in the amount of \$11,333.73, plus an additional \$9.39 per day from February 14, 2017, until judgment is entered.

Plaintiffs' motion for attorneys' fees and costs is denied without prejudice. The Clerk of Court is respectfully requested to enter judgment for the plaintiffs consistent with this order. Chambers will mail a copy of this order to each defendant at c/o Gon Way Construction, Inc., 33-21 Farrington Street, Flushing, NY 11354.

SO ORDERED.

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/s/  
Allyne R. Ross  
United States District Judge

Dated: March 2, 2017  
Brooklyn, New York